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California joins greenhouse gas suit against U.S.

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California joined 11 other states, several cities and more than a dozen environmental groups Thursday in filing a lawsuit against the federal government for refusing to regulate so-called greenhouse gases as air pollutants under the Clean Air Act.

The suit challenges the U.S. Environmental Protection Agency's ruling two months ago that it lacked authority to control carbon dioxide and other gases implicated in contributing to global warming.

Flanked by representatives of three environmental groups at a press conference in Los Angeles, Attorney General Bill Lockyer said the Bush administration's failure to limit these gases may make it harder for California to enforce a law passed last year to limit carbon dioxide from SUV and other vehicle tailpipes.

Lockyer called the EPA's decision "wrong, disturbing and dangerous to Californians' health, environment and economy." Without federal leadership in reducing emissions, Lockyer said, global warming could threaten state agricultural production, increase the risk of forest fires and inundate seaside communities.

Representative of the Sierra Club, the American Lung Association of California and the Natural Resources Defense Council called the legal appeal one of the biggest court cases related to climate change issues. The outcome will define the scope of the Clean Air Act in addressing global warming, they said.

Scientists believe that the gases -- primarily the carbon dioxide emitted by the burning of fossil fuels in power plants, factories and vehicles

-- trap heat around the Earth. Scientists have predicted a temperature rise as much as 8 degrees by the end of the century.

Rising average temperatures could affect agricultural production, contribute to smog, increase the incidence of tropical diseases and cause more extreme weather events, scientists say. Warming ocean temperature and rising sea levels could inundate coastal areas and harm sea life.

Lockyer filed two petitions in the U.S. Circuit Court of Appeals in Washington, D.C., one asking to reverse the EPA's decision that the federal agency lacks authority to regulate greenhouse gases, and the second challenging the EPA's rejection of an environmental groups' request to regulate such emissions from vehicles. He expects all the suits to be consolidated.

Opponents of federal regulation of greenhouse gases argue that the EPA lacks the authority to do so under the Clean Air Act. And they say that the EPA's decision calls into question

the California law passed in August.

Among those opposing EPA's regulation of greenhouse gases are the American Petroleum Institute, Alliance of Automobile Manufacturers, American Forest and Paper Association, National Mining Association and U.S. Chamber of Commerce.

EPA spokesman John Millett had no comment on the lawsuits filed Thursday, other than to reiterate what his agency said in August when it turned down the environmentalists' request.

Jeff Holmstead, assistant EPA administrator for the Office of Air and Radiation, said in August that Congress hasn't granted it the authority to address a fundamental issue such as climate change. "We cannot try to use the Clean Air Act to regulate for climate change purposes because the act was not designed or intended for that purpose," he said.

Some of the other states suing are New York, New Jersey, Illinois, New Mexico, Massachusetts, Oregon and Washington.

California and other states have also challenged the Bush administration's effort to change the New Source Review section of the Clean Air, which determines when both new and old factories and power plants need to upgrade air pollution controls.

California filed a challenge earlier this year, arguing that the changes would loosen controls on polluters nationally and potentially weaken California's strict air quality program. The state program requires every big plant to improve controls when they modify, expand or build.

Even though the Bush administration has decided not to sign the Kyoto Protocol, an international agreement to reduce greenhouse gases, the state has already take steps to implement one of its provisions, setting up a program called the California Climate Action Registry that verifies reductions in greenhouse gases by companies.

So far, 34 entities have signed on, including the cities of Los Angeles, Sacramento and San Francisco, Pacific Gas & Electric, Southern California Edison and San Diego Gas Electric. The cities and companies believe that carbon dioxide and other gases will be regulated in the future, and want to show a record of improvement.

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[Page A - 5](#)